



NEWS

Federal Communications Commission
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Washington, D.C. 20554

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This is an unofficial announcement of Commission action. Release or the full text of a Commission order constitutes official action.
See MCI v. FCC, 516 F.2d 385 (D.C. Cir. 1974).

For Immediate Release:
August 4, 2004

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FCC TAKES ACTION TO PROTECT WIRELESS SUBSCRIBERS FROM SPAM *Prohibits Sending Commercial Messages Referencing Specified Domain Names*

Washington, DC — The Commission has taken action to protect consumers from receiving unsolicited commercial messages on their wireless phones and pagers. The action implements the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CAN-SPAM Act or Act).

The Commission adopted a general prohibition on sending commercial messages to any address referencing an Internet domain associated with wireless subscriber messaging services. To assist the senders of such messages in identifying those subscribers, the Commission required that commercial mobile radio service (CMRS) providers submit those domain names to the Commission for inclusion in a list that will be made publicly available. No individual subscriber addresses will be collected or included on this list. It also clarified the delineation between these new rules implementing the CAN-SPAM Act, and the existing rules concerning messages sent to wireless telephone numbers under the Telephone Consumer Protection Act (TCPA).

Specifically, the Commission has taken the following actions:

- Interpreted the scope of material covered under the definition of mobile service commercial messages (MSCMs) in the CAN-SPAM Act to include any commercial message sent to an electronic mail address provided by a CMRS provider specifically for delivery to the subscriber's wireless device. The Commission found that Short Message Service messages transmitted solely to phone numbers (as opposed to those sent to addresses with references to Internet domains) are not covered by these protections, but all autodialled calls are already covered by the TCPA.
- Provided guidance on what falls within the definition of "commercial", while emphasizing that the Federal Trade Commission is ultimately responsible for determining the criteria for "commercial" and what are excluded as "transactional or relationship" messages.

- o Prohibited the sending of MSCMs unless the individual addressee has given the sender express prior authorization. This authorization may be given orally, in paper or electronically.
- o Stated it will create a publicly available FCC wireless domain names list containing the domain names used for mobile service messaging. This will enable senders of commercial mail to determine which addresses, containing those domain names, are directed at mobile services.
- o Required all CMRS providers to supply the Commission with names of all the Internet domains on which they offer mobile service messaging service. The rule prohibits sending any commercial messages to addresses that contain domain names that have been listed on the official list for at least 30 days or at any time prior to 30 days if the sender otherwise knows that the message is addressed to a wireless device.

The Commission found that the establishment of a list of domain names appeared to be the most effective method to allow subscribers to avoid unwanted mobile service commercial messages. The new rules impose minimal burdens on CMRS providers, and provide a variety of ways to obtain authorizations from those mobile subscribers who want to receive messages from specific senders.

The Commission also encouraged industry to develop more mechanisms to protect wireless subscribers from unwanted commercial mail themselves.

Action by the Commission August 4, 2004, by Order (FCC 04-194). Chairman Powell, Commissioners Abernathy, Copps, Martin, and Adelstein. Separate statements issued by Chairman Powell and Commissioner Copps.

- FCC -

CGB contact: Ruth Yodaiken at (202) 418-7928

CG Dockets 04-53, 02-278

FREE	
WIN A MARLINS TEAM JERSEY	
(GO TO SECTION #2 TO ENTER & WIN)	
SUPPLY YOUR ADDRESS	
Name:	[REDACTED]
Address (Line 1):	1031b NW 173 ST
Address (Line 2):	[REDACTED]
City:	MARLINS
State:	FLA
Zip Code:	33165
Telephone (Home):	(305) [REDACTED]
Telephone (Mobile):	(305) [REDACTED]
Mobile Network:	Cingular
Mobile Text Address:	[REDACTED]@ADL.COM
Email Address:	[REDACTED]

Florida Marlins, Inc. reserves the right to cancel messages sent via mobile messaging services.

"SINGLE OWNER"

YES NO
YES NO
YES NO
YES NO
YES NO
YES NO
YES NO

Please check one or more boxes to receive text & email messages to play TRIVIA CONTESTS during the game and to win FREE PRIZES!!!
for the latest NEWS and IMPORTANT EVENTS of the Florida Marlins
for the latest DISCOUNTS on Official Florida Marlins merchandise & team equipment!!!
the latest DISCOUNTS on last minute Florida Marlins TICKET SPECIALS to games!!!
Please don't lose contact with me! If my mobile network address changes,
please send me text & email messages to find me!!!

Please note the Florida Marlins reserves the right of cancellation and win disqualification if personal information is untrue. You agree to provide true and accurate personal information ONLY for the purposes described above.

Signature: **Alvin C. [REDACTED]** Date: **10/19/04**

FREE	
WIN A MARLINS TEAM JERSEY	
(GO TO SECTION 149 TO ENTER & WIN)	
Name: Conn [REDACTED]	
Address (Line 1): [REDACTED]	
Address (Line 2): [REDACTED]	
City: Berkeley Park Fl	
State: Fl	
Zip Code: 33027	
Telephone (Home): [REDACTED]	
Telephone (Mobile): [REDACTED]	
Mobile Network: Vehizon	
Mobile Text Address: [REDACTED]	
Email Address: [REDACTED]@aol.com	

Please attach your Post & Email messages

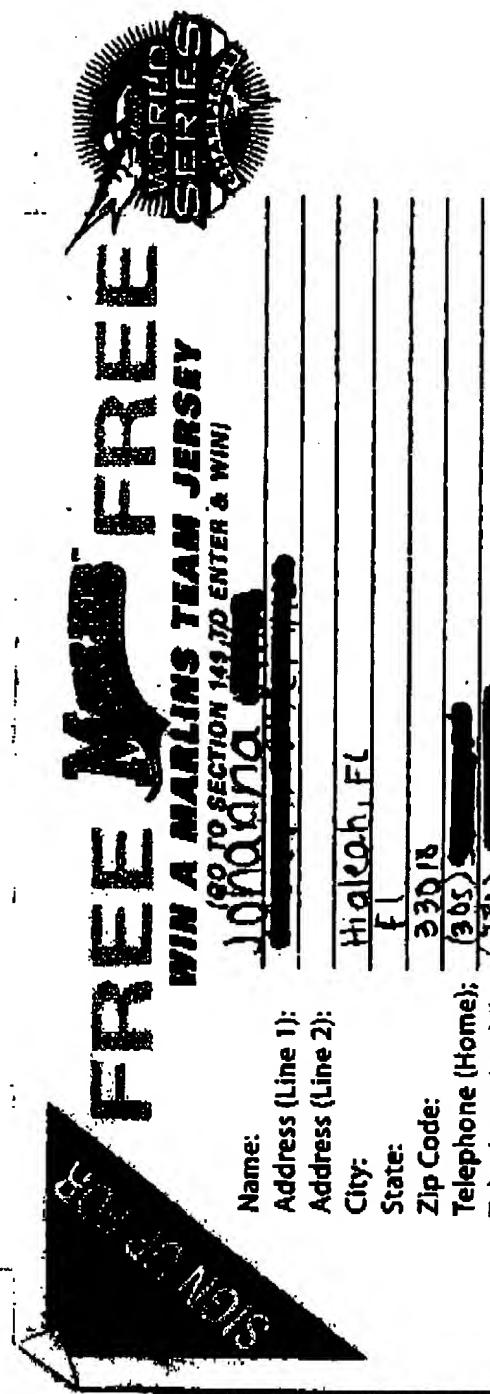
ICIRCLE ONE:

NO
 YES
 NO
 YES
 NO
 YES
 NO
 NO

Attn: Dept of Public Relations/Florida Marlins. All rights reserved. No portion of this form or its contents may be reproduced without permission of the Florida Marlins. This offer is open to Florida Marlins fans 18 years of age or older who reside in the United States. Only for the purpose described above.

Date: 6-19

Signature: Conn



Name: [REDACTED]

Address (Line 1):
Address (Line 2): [REDACTED]

City:

State:

Zip Code:

Telephone (Home): [REDACTED]

Telephone (Mobile): [REDACTED]

Mobile Network:

Sprint

Mobile Text Address:

[REDACTED]

Email Address:

[REDACTED] Florida Marlins Sweepstakes

to play TRIVIA CONTESTS during the game and to win FREE PRIZES!!!
 for the latest NEWS and IMPORTANT EVENTS of the Florida Marlins

for the latest DISCOUNTS on Official Florida Marlins merchandise & team equipment!!!
 the latest DISCOUNTS on last minute Florida Marlins TICKET SPECIALS to games!!!

Please don't lose contact with me! If my mobile network address changes,
 please send me text & email messages to find me!!

(check one)

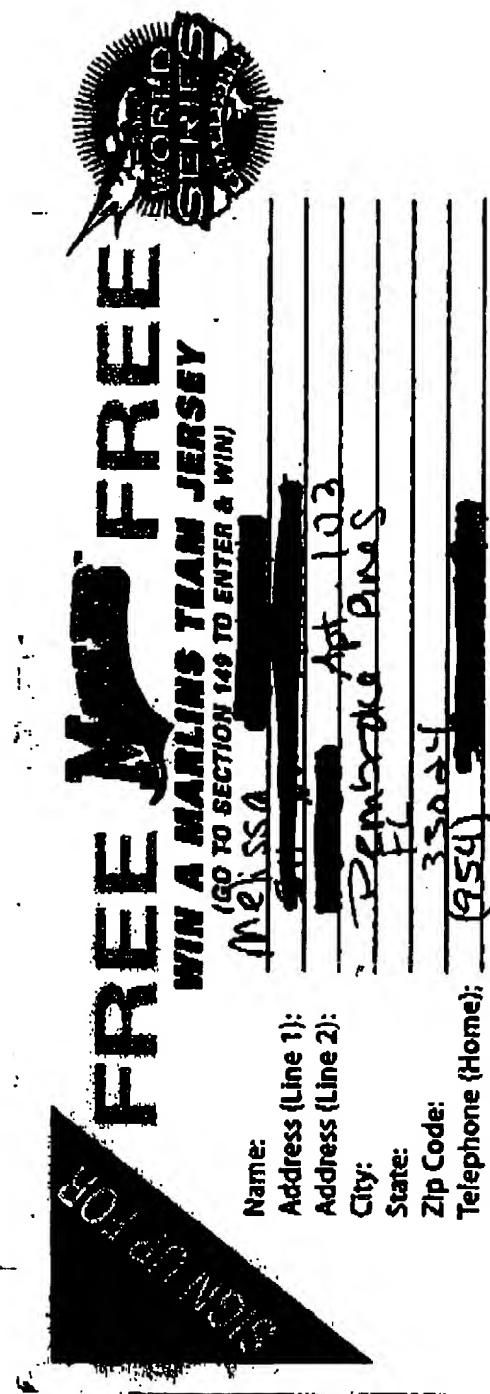
YES NO
 YES NO
 YES NO
 YES NO
 YES NO

YES NO
 YES NO

Signature: [REDACTED]

Date: 01/04/04

Privacy Notice: The Florida Marlins maintains the names and addresses of contestants and will not disclose this personal information (PII) for the purpose of telemarketing.



Name:

Address (Line 1):

Address (Line 2):

City:

State:

Zip Code:

Telephone (Home):

Telephone (Mobile):

Mobile Network:

Mobile Text Address:

Email Address:

(GO TO SECTION 149 TO ENTER & WIN)

(New Jersey)

(Apartment #)

(City)

(State)

(Zip Code)

(Phone Number)

(Mobile Number)

(Network PCS)

(Text Address)

(Email Address)

I am a MAJOR LEAGUE BASEBALL FAN & SIGNATURE

to play TRIVIA CONTESTS during the game and to win FREE PRIZES!!!
 for the latest NEWS and IMPORTANT EVENTS of the Florida Marlins
 for the latest DISCOUNTS on Official Florida Marlins merchandise & team equipment!!!
 the latest DISCOUNTS on last minute Florida Marlins TICKET SPECIALS to games!!!
 Please don't lose contact with me! If my mobile network address changes,
 please send me text & email messages to find me!!!

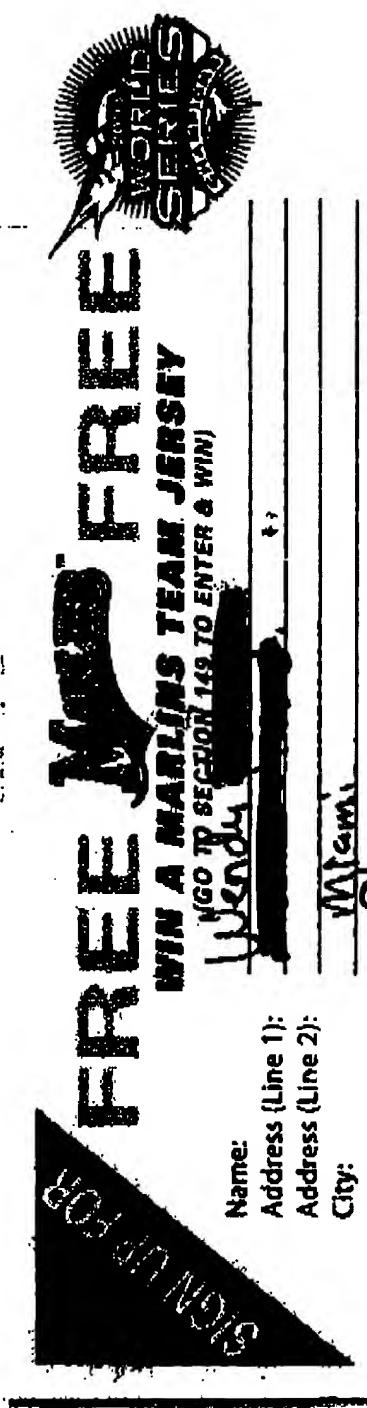
FEBRUARY ONE

YES NO

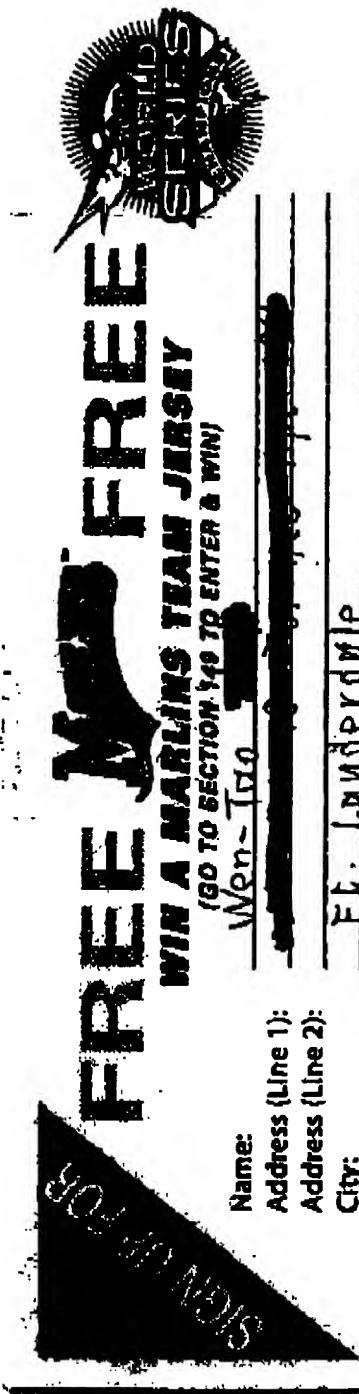
Date:

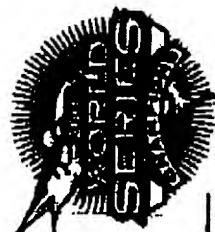
Signature: *W. B. Pickering*

PRINT NAME OR SIGNATURE OF THE PERSON SIGNING THIS FORM. DO NOT PRINT IN ALL CAPS.



Privacy Policy: The Florida Marlins disclaims the privacy of their lists and will NOT disclose any personal information to anyone. You agree to return the Florida Marlins to any person whom they provided information only for the purpose described above.





FREE

WIN A MARLINS TEAM JERSEY
(GO TO SECTION 44 TO ENTER & WIN!)

Name:
Address (Line 1):
Address (Line 2):
City:

City: _____
State: _____
Zip Code: _____
Telephone (Home): _____
Telephone (Mobile): _____
Mobile Network: _____
Mobile Text Address: _____
Email Address: _____

PROBLEMS OF THE POLYMER INDUSTRY | 11

to play TRIVIA CONTESTS during the game and to win FREE PRIZES!!!!
for the latest NEWS and IMPORTANT EVENTS of the Florida Marlins
for the best DISCOUNTS on Official Florida Marlins merchandise & team
the latest DISCOUNTS on last minute Florida Marlins TICKET SPECIALS
Please don't lose contact with me! If my mobile network address changes
please send me text & email messages to find me!!

ON
ON
ON
ON
ON
ON
ON
ON
ON
ON

Date: 6-20-04

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FREE

WIN A MARLINS TEAM JERSEY

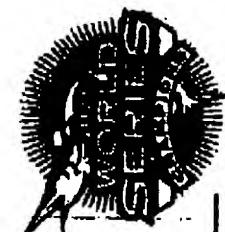
(GO TO SECTION ON HOW TO ENTER & WIN)
Name: Nicole
Address (Line 1): [REDACTED]
City: [REDACTED]
State: FLA
Zip Code: 33057
Telephone (Home): [REDACTED]
Telephone (Mobile): [REDACTED]
Mobile Network: T-MOBILE
Mobile Text Address: [REDACTED]
Email Address: [REDACTED]

[REDACTED] to play TRIVIA CONTESTS during the game and to win FREE PRIZES!!
 for the latest NEWS and IMPORTANT EVENTS of the Florida Marlins
 for the latest DISCOUNTS on Official Florida Marlins merchandise & team equipment!!!
 for the latest DISCOUNTS on last minute Florida Marlins TICKET SPECIALS to games!!!
 Please don't lose contact with me! If my mobile network address changes,
 please send me text & email messages to find me!!!

[REDACTED]
 YES NO
 YES NO
 YES NO
 YES NO
 YES NO
 YES NO

Signature: Nicole
 Date: June 10, 2004

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FREE

WIN A FLAMING TEAM JERSEY

(GO TO SECTION 149 TO ENTER & WIN)

CANDY [REDACTED]

Name: _____
 Address (Line 1): _____
 Address (Line 2): _____
 City: Plantation
 State: FL
 Zip Code: 33313
 Telephone (Home): _____
 Telephone (Mobile): 954- [REDACTED]
 Mobile Network: Cingular
 Mobile Text Address: _____
 Email Address: [REDACTED]

to play TRIVIA CONTESTS during the game and to win FREE PRIZES!!
 for the latest NEWS and IMPORTANT EVENTS of the Florida Marlins
 for the latest DISCOUNTS on Official Florida Marlins merchandise & team equipment!!!
 the latest DISCOUNTS on last minute Florida Marlins TICKET SPECIALS to game!!!
 Please don't lose contact with me! If my mobile network address changes,
 please send me text & email messages to find me!!

PAGE ONE
 NO
 YES

YES
 NO

YES

NO

YES

NO

YES

NO

YES

NO

Date: 1-10-04

Signature:

Please help The Florida Marlins make the most of their fan and will not disclose any personal information to anyone. You agree to assist the Florida Marlins in use your above provided information ONLY for the purpose described above.